

Atty. Docket No.
182.0001



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BRANSTROM et al.

App Ser. No.: 09/512,810

Examiner: Yucel, I.

Filed: February 25, 2000

Group Art Unit 1636

For: BACTERIAL DELIVERY SYSTEM

RESPONSE & TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Now come Applicants in the above-identified application and respond to the
14, 2004 Office Action.

AUG 20 2004
TECH CENTER 1600/2900

REMARKS

Applicants acknowledge the allowance of claims 34, 35, 37, 39, and 53-59.

Applicants acknowledge the allowability of claims 45-52 subject to the filing of a terminal disclaimer coextensive with the expiration of US Patent 5,824,538, issued from its grandparent application.

Applicants acknowledge and accept the listing of the pending claims on the PTOL-326 dated July 14, 2004 and the Examiner's recitation contained on page 2 of the Office Action as to the former errant listing. Accordingly, as indicated in the Amendment only claims 34, 35, 37, 39, 45-59 are pending in this application.

A terminal disclaimer coextensive with the maximum term under law to which US Patent 5,824,538, issued from the grandparent application hereto is entitled, now follows.

This terminal disclaimer is being made by Assignee, the owner of the entire right, title and interest in and to the above-identified application by virtue of the assignment recorded at Reel 009736, Frame 0943 with a recordation date of February 3, 1999 of the Assignment records of the United States Patent and Trademark Office.

The undersigned attorney for Applicant before the United States Patent and Trademark Office, hereby disclaims and waives the terminal portion of any patent to be issued from the above-identified application to the date of expiration of September 6, 2015, the twentieth anniversary of the filing date of the parent application, US 5,824,538 plus any extension under 35 U.S.C. §154(b) to which that patent is entitled, or any additional term permitted that patent under law, plus any extension to which this application is entitled. The applicant agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. The fee prescribed in 37 C.F.R. § 1.20(d) is been submitted.

If in the opinion of the Examiner, a telephone conference would expedite the conclusion of prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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